



## Mozambique

### Country Reports on Human Rights Practices - [2001](#)

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Mozambique's constitutional Government, headed by President Joaquim Chissano, held its second general multiparty elections in 1999. President Chissano was reelected, and his party, the Front for the Liberation of Mozambique (FRELIMO), won 133 seats in the 250-seat Assembly of the Republic, with the remaining 117 seats going to the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE). According to international observers, the elections generally were free and fair; however, they were marred by opposition allegations of vote-counting irregularities that international observers determined did not impact the results. Chissano and the leadership of FRELIMO, which have ruled the country since independence in 1975, dominate policymaking and implementation. The Assembly is a multiparty parliament that provides useful debate on national policy issues and generates some proposals independently. During legislative sessions, the Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. Opposition parties in the Assembly boycotted most parliamentary activities between February and November 2000 to protest the election results; however, they resumed full participation in February. FRELIMO and RENAMO-UE cooperated on a number of ad hoc and standing committees in the Parliament, and on several occasions drafted joint legislation that was supported by both sides. The Constitution provides for an independent judiciary; however, the executive branch dominates the judiciary, which lacks adequate resources, and is chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior include: The Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Reaction Police (PIR). The State Information and Security Service (SISE) reports directly to the President. The military continued to suffer from a lack of money and a long-term strategy. Many former military personnel of all ranks work in other government security forces. The PIC, PRM, and PIR legally are under the control of the civilian Government; however, at times local police have acted in contravention of the guidelines established by the civilian authorities. The political opposition claims that the PIR operates in support of the ruling party. Members of the security forces committed numerous, serious human rights abuses.

Mozambique is a very poor country; its population is approximately 17 million. Approximately 80 percent of the population is employed in agriculture, mostly on a small scale level, and approximately 75 percent of the population lives in poverty. The primary exports are shrimp, sugar, cotton, cashew nuts, and bulk electric power. The gross domestic product (GDP) was approximately \$4.84 billion, an increase of 14.8 percent from 2000. Inflation was approximately 21.9 percent, an increase from the 2000 level of 11.4 percent. The economy and government budget remained heavily dependent on foreign aid. The economy had a \$608 million trade deficit, down from a \$848 million deficit in 2000. Annual per capita income was \$245. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors. Flooding caused by heavy rains in February and March severely damaged crops, livestock, and rural infrastructure in the north-central portion of the country. However, economic indicators for the second half of the year showed some strengthening of the economy.

The Government's human rights record remained poor, and although there were some improvements in a few areas, it continued to commit serious abuses. Police continued to commit numerous abuses, including extrajudicial killings, excessive use of force, torture, and other abuses. Police officers tortured and beat persons in custody, and abused prostitutes and street children. During the year, the president of the League of Human Rights (LDH), a local nongovernmental organization (NGO), noted that the human rights situation in general had deteriorated in several areas, such as police corruption, brutality, and intimidation; labor strife, and other societal concerns. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Police continued to use arbitrary arrest and detention, and lengthy pretrial

detention was common. Fair and expeditious trials were problematic due to an inefficient, understaffed, and underfunded judiciary, which was dominated by the executive and subject to corruption. There were reports of some infringements on the right to privacy. The Government generally respected freedom of the press; however, unknown persons harassed some journalists during the year. News coverage by media outlets owned by the Government and state enterprises was influenced by members of the ruling party; however, the number and diversity of independent media increased, and their criticism of the Government, its leaders, and their families largely is tolerated. Human rights violations received extensive coverage in both government and independent media during the year. An amended law provides for freedom of assembly with regulations; however, the Government forcibly dispersed at least three demonstrations during the year. The police did not violently disperse demonstrations in support of the opposition. Both the Government and the law imposed some limits on freedom of association. The Government at times infringed on freedom of movement. Domestic violence against women, as well as widespread discrimination against women in employment and property rights, remained problems. The abuse and criminal exploitation of street children, including child prostitution, increased in urban areas. Discrimination against persons with disabilities and child labor remained problems. There were unconfirmed reports that women were trafficked to South Africa for prostitution and forced labor. Occasional mob violence resulted in several deaths.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There continued to be reports of extrajudicial killings by security forces; however, unlike in the previous year, there were no reports of political killings during the year.

On January 12, a police officer shot and killed Salomao Ubisse in Chamanculo, a suburb of Maputo, for failing to obey the a police order to remain still; police subsequently confirmed that he was not the suspect that they were looking for. The police suspended the officer involved and filed both disciplinary and criminal proceedings against him. Charges were pending at year's end.

In March prison guards shot and killed both Edmundo Jaime and Neto Luis Neves during a reported escape attempt from the Machava Jail in Maputo province.

On April 15, Caetano Joaquim Chapepa reportedly died after prison guards tortured and tied him to a tree in Meconta, reportedly because his sister visited him without authorization. It was unknown whether any action was taken against any of the guards.

Extremely harsh prison conditions and torture continued to result in the deaths of several persons in custody (see Section 1.c.). In particular serious illness led to deaths in custody. On October 3, Fernando Santos died in custody at the Agricultural Penitentiary of Chimoio. Santos' sister accused jail guards of torturing him to death and claimed that she was not informed of his death for 26 days. The police stated that Santos died of tuberculosis and that they attempted to contact the family within 3 days of his death but were unable to locate them.

The Government continued to cooperate with international organizations in demining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990. According to the National Demining Institute (IND), 249 persons were killed in landmine accidents between 1992 and 2000. Landmine incidents continued to decline; 7 persons were killed and 18 were injured in landmine accidents in 2000. The National Demining Institute did not release updated information regarding deaths or injuries due to landmines during the year.

During the year, the Government prosecuted two police officers for the deaths of more than 100 detainees in Montepuez in 2000 who reportedly died of asphyxiation in their cell. On July 1, two Montepuez jail officials were found guilty of homicide, sentenced to 17 and 18 years respectively, and were each ordered to pay \$952 (20 million meticaís) to the family of each person who died. In July RENAMO criticized the sentences for being too lenient (see Sections 1.c. and 1.d.).

The Government reported that the shooting of six civilians at a police station in Aube in 2000 during a confrontation with police was lawful; however, an LDH report disputed this claim. The Government blocked an initiative to form a parliamentary commission to investigate the incident and did not take further action on the case by year's end.

The LDH reported a possible pattern of execution-style killings committed by uniformed police in the Marracuene area in 2000. The Government did not respond, and it appeared unlikely to respond to the LDH report.

No action was taken, nor is any likely, against the members of the security forces responsible for killing the following persons in 2000: RENAMO party officials Eduardo Foao, Ricardo Moaine, and Geraldo Carvalho; Tomas Paulo Nhacumba and Gildo Joaquim Bata; Emidio Raul Nhancume; and Eliseu Geraldo Muainga.

In 2000 as many as 54 persons were killed during violence related to rallies and marches held throughout the country to protest the outcome of the 1999 elections (see Sections 1.c., 1.d., 1.e., and 2.b.). The total number of persons killed remains in dispute among human rights groups, the opposition, and the National Assembly. The LDH reported that police in Nampula province and the Balama district of Cabo Delgado province fired on, killed, and injured unarmed demonstrators to prevent rallies and marches. The LDH alleged that the interim police commander in Balama ordered the police under his command to kill demonstrators. In Montepuez, Cabo Delgado, there were credible reports that RENAMO demonstrators attacked a local jail, freed prisoners, ransacked government buildings, and held the local district administrator hostage. Police responded with lethal force, killing 17 persons; 7 police officers also were killed. Rioters reportedly mutilated the bodies of the police officers. The National Assembly established a bipartisan Parliamentary Commission of Inquiry to investigate the violence surrounding the demonstrations and the subsequent deaths in custody. The ad hoc parliamentary commission investigating the incidents concluded its work in September and is expected to issue its findings during the National Assembly session that begins in March 2002. During the year, prosecutions were concluded against RENAMO protesters in the village of Montepuez, Cabo Delgado. On June 6, the provincial court sentenced 5 RENAMO leaders of the Montepuez demonstrations to 20 years' imprisonment each, and ordered them each to pay \$952 (20 million meticaïs) to the families of each person killed, \$476 (10 million meticaïs) to each person injured, and \$143 (3 million meticaïs) for damage to government property. Four others found guilty of public disorder received sentences already served, and two others were acquitted. RENAMO appealed the convictions, and the appeal was pending at year's end. No action was taken, nor is the Government likely to take any action, against police in Nampula province or Balama district, Cabo Delgado.

In 1999 the domestic NGO Human Rights and Development (DHD) published a critical assessment of human rights conditions that alleged police killings. The Government did not respond to the assessment by year's end.

The LDH continued to press the Attorney General's office for an investigation into the 1999 death of a detainee in Beira. The Government did not respond and appeared unlikely to respond to the request.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with rising crime. During the year, in Costa de Sol and Matola in the Maputo area, suspected thieves were beaten to death by mobs.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year. Unlike in the previous year, there were no reports of unexplained disappearances of prisoners or detainees in police custody. In 2000 there was only a small number of such disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits such practices; however, the police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. Unlike in previous years, there were no unexplained disappearances of prisoners. During the year, the LDH reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. In September the LDH reported that the number of reported abuses had declined during the year.

On October 3, Fernando Santos died while incarcerated in Chimoio; his sister claimed that he was tortured to death (see Section 1.a.).

On December 5, Micas Bila and Antonio Domingos were injured after the police disrupted a demonstration; they were hospitalized for their injuries (see Section 2.b.).

Corruption in the police forces extends throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses.

Journalists continued to report that police extorted money from street vendors, many of whom are widowed or divorced women, sometimes beating the women, and often stealing their merchandise. There also were reports that police abused prostitutes and street children (see Section 5).

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries. In 1999 new standards for the police force were imposed, requiring a minimum educational level of the 10th grade. In 2000 a new 4-year police service academy opened, which provides college-level training to police officers in the mid-ranks and higher. Human rights training was provided for security officers, with human rights groups like the LDH teaching some of the courses; however, the training was not mandatory. The LDH discontinued its training program in 2000, reportedly because of reluctant cooperation from the police and a decline in donor support for such activities.

In 2000 police forced a man to march naked through a town from his home to the local jail. When 40 unarmed friends and family members went to the police station to gain the man's release, a police officer allegedly assaulted an elderly man in the group, which resulted in a confrontation between the crowd and police. The police responded to the confrontation by firing into the crowd, reportedly killing at least six persons and injuring several others (see Sections 1.a. and 2.b.). The Government defended the actions by the police as appropriate and lawful; however, a group of local NGO's, including the LDH, conducted an independent investigation and reported that the police used inappropriate force. The Government did not respond to the report, and the FRELIMO majority in Parliament blocked an initiative to form a commission of inquiry to investigate the incident. There was no investigation into the case by year's end.

There was no investigation, nor is any likely, into the reported torture in custody of Tomas Paulo Nhacumba and Gildo Joaquim Bata in 2000 (see Section 1.a.).

There was some sporadic political violence in Manica and Tete provinces related to RENAMO political rallies in August. FRELIMO supporters were beaten in Tete, and two local government officials were detained and beaten by RENAMO security guards in Manica, allegedly for trying to prevent RENAMO supporters from attending the rally. They subsequently were released.

In 2000 violence erupted in at least 15 of the more than 60 demonstrations held throughout the country by RENAMO to protest the outcome of the 1999 elections; approximately 200 persons were injured in the violence (see Sections 1.a., 1.d., 1.e., and 2.b.). The LDH reported that police used excessive force against the demonstrators in Nampula province and Balama, Cabo Delgado province and cited an anonymous police source who alleged that police severely beat and tortured detainees in custody. A RENAMO parliamentarian claimed that police beat him and broke his right clavicle during his arrest; he publicly stated that police tortured him and other detainees while they were held at the Beira maximum security prison. The Government has not taken action, nor is it likely to take action, against the responsible police officers. A parliamentary commission investigating the demonstrations concluded its work in September and was expected to release its report during the next National Assembly session that begins in March 2002.

Unknown persons continued to threaten and attack journalists. In April unknown persons threatened one journalist and attacked another journalist in Maputo (see Section 2.a.).

The National Demining Institute did not release updated information on deaths or injuries caused by landmine explosions during the year.

Prison conditions in most of the country are extremely harsh and life threatening. A LDH report released in 1999 on the Beira Central Prison found that conditions remained significantly below international standards. Latrine facilities were primitive; in some prisons, inmates were forced to keep human waste in their cells until they persuaded or bribed attendants to remove it. Food was substandard and scarce. Most prisoners received only one meal per day on a regular basis. It was customary for families to bring food to prisoners; however, there were sporadic reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

Detention facilities remained severely overcrowded, generally housing four to six times the number of prisoners that they were built to accommodate. In 2000 the National Association for the Support and Protection of Prisoners (ANASCOPRI), a domestic NGO, stated that during 2000 Beira Central Prison held 513 inmates in a prison built to hold 200; Manica held 475 in a prison built to hold 300, and Tete held 464 in a prison built to hold 90. Inhambane Provincial Prison held 296 in a prison built to hold 75, Nampula held 775 in a prison built for 70, and Cabo Delgado held 245 in a prison built for 90. Maputo Central Prison, built to hold 800 inmates, held 2,470 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 3,643 pretrial detainees were held in jails and prisons in 2000. There were no statistics available for the year.

There continued to be many deaths in prison, the vast majority due to illness and disease. A U.N. Development Program (UNDP) report noted that there were 157 prison deaths during 1999, mostly due to malaria, tuberculosis, and respiratory diseases aggravated by poor conditions and lack of space (see Section 1.a.). During the year, the Ministry of Health established programs for prisons to address tuberculosis, HIV/AIDS, and malaria. The Government denied RENAMO allegations that three supporters detained in connection with nationwide demonstrations in 2000 died in the Beira maximum security prison and claimed that only one death occurred and that it was due to natural causes (see Section 1.a.). The deaths by asphyxiation of least 8 detained RENAMO supporters in 1 night and more than 100 detained RENAMO supporters the following day in 2000 in Montepuez, Cabo Delgado, resulted in the dismissal of several police officers and the conviction of two officers for murder. The convicted officers were sentenced to 17 years and 18 years in prison respectively and were each ordered to pay \$952 (20 million meticaís) to the family of each person who died, which RENAMO criticized as too lenient (see Sections 1.a. and 1.d.). A parliamentary commission investigating the incident concluded its work in September and was expected to release its report the next National Assembly session that begins in March 2002. A bipartisan working group investigating the incident was suspended when RENAMO leader Dhlakama withdrew his party from the process in April (see Section 1.d.).

The Government did not investigate the March 1999 deaths of three juveniles who died in detention, allegedly from illness and lack of food.

Two National Directorates of Prisons (DNP's), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operate prisons in all the provincial capitals. The DNP's also hold prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. In MOI facilities detainees who have not yet been charged are held with prisoners sentenced for serious offenses that specify maximum security. Detainees who have not been charged usually are held for longer periods than the 48 hours permitted under the law. In MOJ facilities detainees who have been charged but not yet tried are held with prisoners who have been tried and sentenced to prison for relatively minor cases where moderate security imprisonment is deemed sufficient. Pretrial detainees usually are held for several months before trial, and delays of more than 1 year are common. MOI and MOJ facilities, while separate, often are connected physically. Military and civilian prisoners are held in the same prisons. Women are held in separate areas of prisons from men. At times prisons house young children, usually infants, brought there by mothers sentenced for long periods; the children are allowed to stay with their mothers when no other caregivers are available.

Minors are incarcerated with adult inmates. During a visit to the Beira Central Prison in 1999, the Minister of Coordination of Social Action found 25 minors detained there. However, in 2000 the LDH reported noticeably fewer minors held in detention nationwide. According to a study by the MOJ and UNICEF, approximately 3 percent of prisoners were between the ages of 13 and 15, and more than 39 percent of prisoners were between the ages of 16 and 20.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cite unsanitary conditions or security risks as reasons to delay or cancel visits. During the year, the LDH visited several jails and prisons in the Maputo area and in the provinces; however, a request to visit the maximum security prison near Maputo was not granted. The ANDH, the Prison Fellowship of Mozambique (FPM), and ANASCOPRI did not conduct prison visits during the year and lacked funding to carry out such programs. Unlike in the previous year, the DHD and the UNDP did not visit jails or prisons. In 2000 the DHD reported that prisons provided substandard facilities and minimal care to detainees. In 2000 a comprehensive UNDP report noted that prisons were decaying, overcrowded, and inadequately supplied. The Prime Minister responded to the UNDP report by calling publicly for a national effort to improve prison conditions.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that the duration of preventive imprisonment be set by law; however, the police continued to arbitrarily arrest and detain citizens in practice. Under the law, the maximum preventive imprisonment is 48 hours, during which time a detainee has the right to have his case reviewed by judicial authorities, after which he can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, he may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigation process. The law provides that if the prescribed period for investigation has been completed, and no charges have been brought, the detainee must be released. In many cases, the authorities either are unaware of these regulations or ignore them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

The media reported and many persons complained that security officials often detained them for spurious

reasons and demanded identification documents; many officers also extorted bribes to permit persons to continue toward their destinations (see Section 2.d.). Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of their usual demand for bribes or a lack of confidence that the police would help.

Most citizens also are unaware of the rights provided by the Constitution, the law, and the Penal Process Code. As a result, detainees can spend many weeks, months, and even years in pretrial status. The bail system remains poorly defined, and prisoners, their families, and NGO's continue to complain that police and prison officials demand bribes to release prisoners.

In July police officers in Maputo detained numerous persons as part of an operation to reduce street crime. After approximately 2 weeks, police reduced the number of arrests and detentions and released the detainees, and the practice reportedly ended by late August.

In late November, police detained and transported to Inhambane province Kok Nam, a photojournalist, for failing to pay a fine for libel even though his case had been dismissed (see Section 2.a.).

In 2000 police reportedly arrested a RENAMO supporter under humiliating circumstances. There was no investigation into the arrest by year's end (see Sections 1.a. and 1.c.).

During November 2000, police detained approximately 457 RENAMO members and supporters during more than 60 rallies and marches to protest the outcome of the 1999 elections; there were reports that police beat and tortured detainees in custody (see Sections 1.a., 1.c., 1.e., and 2.b.). Three RENAMO members reportedly died in custody in Beira; RENAMO alleged that these deaths resulted from torture (see Section 1.c.). In November 2000, more than 100 RENAMO detainees died of asphyxiation in a jail cell in Montepuez (see Section 1.c.). Later that month, courts in the Manica, Cabo Delgado, Sofala, and Nampula provinces acquitted 15 RENAMO members and supporters and sentenced 130 others to prison terms ranging from 15 days to 2 years for their involvement in the demonstrations (see Sections 1.a., 1.c., 1.d., and 2.b.). FRELIMO and RENAMO established a working group to examine, among other matters, the cases of the detained demonstrators; the bipartisan working group on the demonstrations was disbanded in April when RENAMO leader Dhlakama withdrew from the RENAMO-Government dialog process (see Sections 1.a. and 1.c.). The parliamentary commission investigating the 2000 demonstrations completed its work in September and was expected to release its report in the next National Assembly session that begins in March 2002. The Government defended the trials and sentencing of RENAMO demonstrators in Manica, Cabo Delgado, and Nampula provinces as consistent with the law and normal legal proceedings; however, RENAMO and human rights organizations continued to question the fairness of the trials (see Sections 1.a., 1.c., and 2.b.).

The Government did not investigate the allegation that police officers demanded a \$750 (10 million metecais) bribe from the families of Tomas Paulo Nhacumba and Gildo Joaquim Bata prior to their deaths in custody in 2000 (see Sections 1.a. and 1.c.).

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention. Justice Ministry officials say that some police lack adequate training and do not know how to charge a person properly. A detainee may be subjected to indefinite detention. The National Directorate of Prisons reported in 2000 that there were 6,422 persons in the prison system; 3,643 of those persons were detainees who had not been charged. In response to this problem, a legal enforcement commission convened in 1999 and ordered cases of detainees to be reviewed so that those who had served their time or were in detention illegally (without charge) could be released. In Beira alone, 230 prisoners were released from the Central Prison during 2 months in 1999. In 2000 the Government created an interministerial review committee to continue this process, and the committee periodically reviewed the status of prisoners throughout the country to prevent unnecessary detentions. It was not known how many prisoners were released during the year under this process.

Drug cases are subject to a special regime. The law specifies that the legal period of preventive detention in drug trafficking cases is 10 days. The same law authorizes a long period of investigation--up to 9 months--in cases involving drug smuggling, drug production and transfer, and criminal association.

The Constitution expressly prohibits exile, and the Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which is understaffed and manned by inadequately trained

appointees. The DHD report on human rights conditions released in June specifically emphasized problems of the judiciary (see Section 4).

The President appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by the Higher Judicial Magistrate's Council (CSMJ), the body responsible for overseeing professional behavior among magistrates. CSMJ members are elected by their peers, 4 are elected by the National Assembly, and 2 are appointed by the President; members tend to be either FRELIMO members or FRELIMO-affiliated. A list of qualified persons for the Supreme Court is submitted to the President. No Assembly approval is needed for other judicial appointments.

There are two complementary formal justice systems: The civil/criminal system and the military system. Civilians are not under the jurisdiction of, or tried in, military courts. The law empowers the Supreme Court to administer the civil/criminal system; it also hears appeals, including military cases, although the Ministry of National Defense administers the military courts. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court and customs court. Although the Constitution permits the establishment of a fiscal court, maritime court, and labor court, none have been established. The Constitution called for the creation of a constitutional court, but the Government has not yet passed implementing legislation. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality, as it did when assessing the eligibility of presidential candidates for the general elections. Persons 16 years old and younger fall under the jurisdiction of a court system for minors. Through this legal channel, the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems are ineffective due to a lack of qualified professionals.

In 1999 Supreme Court Chief Justice Mario Mangaze complained that only 25 percent of citizens had access to the official judicial system. Outside the formal court system, a number of local customary courts and traditional authorities adjudicate matters such as estate and divorce cases. These courts are staffed by respected local arbiters who have no formal training but who exercise a substantial judicial and executive role, particularly in the area of arbitration.

Persons accused of crimes against the Government are tried publicly in regular civilian courts under standard criminal judicial procedures. The law provides definitions of crimes against the state, such as treason, terrorism, and sabotage. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault.

In regular courts, all accused persons are in principle presumed innocent and have the right to legal counsel and the right of appeal; however, authorities do not always respect these rights. The great majority of the population is either unaware of these rights or does not possess the means to obtain any form of legal counsel. Although the law specifically provides for public defenders, such assistance generally is not available in practice, particularly in rural areas. Some NGO's, such as the LDH, the Government's National Institute for Legal Assistance, and the Mozambican Association of Women in Judicial Careers, continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbates the judicial system's weakness. There are an estimated 200 licensed attorneys in the country; the vast majority work in Maputo. There continued to be a shortage of qualified judicial personnel, with 163 judges nationwide. There are appeals courts in all provinces, but few of these courts are staffed by formally trained judges, despite the fact that the Judicial Magistrates Statute requires a law degree. Some districts have no formal courts or judges at all. Several donor initiatives to remedy these shortages were continued or completed during the year, including the training of district court judges and public prosecutors.

Justice Mangaze presides over the CSMJ, which has expelled 27 judges for corruption since 1995, including 3 during the year. A Ministry of Justice official estimated that 17 judges have been removed from office since 1998. In 2000 several judicial expulsions occurred, including the dismissal of the Attorney General and six of his senior legal staff, the suspension of a judge involved in a fraud case regarding the Banco Comercial de Mocambique (BCM), and the expulsion of three judges. A law allows for faster implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly.

Bribe-taking, chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases continued to be problems during the year.

In June five men were found guilty of leading a riot in Montepuez in 2000 and were sentenced to 20 years in prison (see Section 1.a.).

The Government defended the trials and convictions of RENAMO supporters in connection with the 2000 nationwide demonstrations in Manica, Cabo Delgado, Sofala, and Nampula provinces as in accordance with the law and normal legal procedures; however, human rights organizations and RENAMO continued to claim that the defendants were denied due process and adequate legal counsel (see Sections 1.a., 1.c., and 1.d.).

In 2000 a court sentenced three individuals to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 2.a.).

The Penal Process Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there are many documented reports that some judges ordered the incarceration of minors in common prisons without trial (see Section 1.c.). In most areas of the country, it is difficult to accurately assess age because the information is not well documented and many persons do not have identification cards.

There were no confirmed reports of political prisoners; however, RENAMO continued to claim that all persons held in connection with the 2000 nationwide demonstrations were political prisoners, and continued to consider those convicted and sentenced to be political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

There were no documented reports of illegal search activity. By law police need a warrant to enter homes and businesses. The Government did not take any action and was unlikely to take any action to discipline customs agents who allegedly conducted illegal searches in Maputo in 2000.

Opposition political groups claimed that government intelligence agencies monitored telephone calls, conducted surveillance of their offices, followed the movements of opposition members, used informants, and attempted to disrupt party activities.

Homeless veterans continued to protest delays in gaining access to land that reportedly was promised to them by the Government in Matola, a suburb of Maputo.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, limitations on these rights are permitted if they relate to the media's obligations to respect the Constitution, human dignity, the imperatives of foreign policy, or national defense. In 1999 the Higher Council of Social Communication (CSCS), an enforcement body for the press law that is dominated by the ruling party, expressed concern that the vagueness of "imperatives of foreign policy and national defense" could lead to unwarranted restrictions. In 2000 the CSCS expressed its concerns regarding recent articles, editorials, and comments that it considered contrary to national unity and prescribed media goals; some journalists criticized the CSCS for attempting to restrict press freedom and promote self-censorship.

There were four independent weekly newspapers published in Maputo, and six other independent weekly journals published in provincial capitals. According to a survey by the Panos Institute, the 10 weekly newspapers had a combined total circulation of 50,910. There are an additional 20 printed periodicals with a combined circulation of approximately 34,000. There were 6 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, *Imparcial*, is owned by RENAMO. Two of these ceased publication during the year. Websites were developed in 1999 for several independent media. Only a small minority of the population receives news directly through the print media.

Media ownership is diversified. In 1999 the U.N. Educational, Scientific, and Cultural Organization (UNESCO) Media Project estimated that 34 percent of the country's media were public, 36 percent were private commercial, and 28 percent were private nonprofit (church affiliated); however, the public category includes



the country's only daily newspapers, the only Sunday newspaper, and the only weekly newsmagazine. Two progovernment newspapers--Noticias and Domingo--together with a third sports-oriented weekly are owned by a single corporation, Noticias Limited, in which state-owned enterprises and FRELIMO members hold majority shares. Diario de Mocambique, published in Beira, is the only daily newspaper. It is owned by the Commercial News Society of Beira, in which FRELIMO officials own majority shares. All evidenced consistent bias in favor of their shareholders. The newspapers continued pushing for reform of the justice system, for renewed efforts to fight corruption, and to reform public service.

In 1999 Article 19, a United Kingdom-based NGO, reported that the independent media are constrained by the high cost of newsprint, distribution, and equipment. It claimed that publications close to the Government have an advantage in securing exemptions from customs duties. In March UNESCO's Media Diversity Project began assisting eight newspapers and a major paper supplier to lower their paper costs through the bulk importation of newsprint without customs duties; this achieved an estimated 30 percent cost savings.

While criticism of the President is not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense against libel. This law was not tested in court and the provision was not invoked, despite considerable verbal and written criticism of the President during the year.

Nhympine Chissano, son of President Chissano, filed libel charges against the fax newsheet Metical, formerly owned by journalist Carlos Cardoso, who was killed. Chissano sued for damages regarding a story published by journalist Marcelo Mosse that repeated stories published in South African and Portuguese newspapers, claiming that Nhympine Chissano had been detained in South Africa on drug charges. The potential legal liability of Carlos Cardoso's two minor children, who became the sole owners of Metical after their father's death, led the Cardoso family to cease publishing the newsheet. The case was pending at year's end.

In late November, authorities arrested Kok Nam, a photojournalist, for failing to pay a fine of approximately \$4.50 (100,000 meticaïs) in a libel case. Although a court in Maputo had dismissed the case, Nam was detained and driven to Inhassoro in Inhambane province; however, his attorney secured his release before he arrived in Inhassoro. Local media portrayed the incident as evidence of official harassment.

Journalists were subjected to attacks during the year. On April 27, unknown persons severely beat journalist Rui de Carvalho, who works for the independent daily newspaper, Mediafax. After identifying Carvalho outside Maputo, the assailants dragged him from his automobile and beat him. On November 6, unknown assailants robbed journalist Fabio Mondlane of his tape recorder after he visited with persons who formerly worked in East Germany, who were detained for protesting (see Section 2.b.).

In 2000 two unknown assailants killed Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical, in an execution-style shooting. In the early months of the year, the Government detained 10 individuals in connection with the case. One detainee was released without charge after being held for 10 months. Both the Government and the family agreed that he had nothing to do with the crime. On September 3, the judge presiding over the case ordered six of the defendants to be brought to trial on charges of homicide and accessories to homicide. Charges against the six detainees were pending at year's end, and the remaining three remained held without charge at year's end.

In 2000 police arrested three individuals for handing out opposition pamphlets in Beira. The court sentenced them to prison terms ranging from 12 to 18 months for distributing materials offensive to the Government and the President and for incitement to civil disobedience (see Section 3).

While the Government no longer owns most radio and television stations, government stations are the only broadcasters capable of countrywide transmission; however, there are local and independent broadcasts in most urban areas. Government media were showing greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, is government-owned; however, its news coverage generally was considered unbiased and fair. Radio Mozambique receives the largest single subsidy from the state budget of any public media company. It broadcasts in Portuguese and 18 indigenous languages; its external service broadcasts in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcasts public debates that include a variety of participants with differing opinions.

In addition to Radio Mozambique, there are 11 community-based (supported by UNESCO and the Government), 3 religious, and 11 commercial private radio stations, most of which use local languages in addition to Portuguese and which cover most of the country. One station, Radio Terra Verde (RTV), is linked directly to RENAMO. RTV is second only to Radio Mozambique's youth-oriented Radio Cidade in popularity, outside of broadcast times for soccer matches. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of

America (VOA), reach all major population centers and report local news via Mozambican-based part-time reporters; the BBC and the RFI carry news in Portuguese but broadcast most of the day in English and French, respectively.

On April 19, Radio Mozambique journalist Jose Joao received an anonymous death threat following a news item on drug trafficking and illegal imports reported on national radio (see Section 1.c.).

No action was taken against the persons responsible for the following incidents in 2000: The attack on a radio journalist by unknown assailants in Beira; the beating of a radio journalist by unknown persons near Maputo; the anonymous bomb threat received by the news fax agency Mediacoop; and the telephone death threat received by the editor of the newspaper Savana. There has been no significant investigation, nor is any likely, into these cases.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, offers a second source of televised news to all parts of the country reached by TVM. Privately owned television transmission continued to be limited to Maputo. International television news is available via cable in Maputo and via satellite nationwide.

A large number of periodicals and broadcasting entities have been licensed since 1992, and the independent media criticisms of government leaders and their families largely were tolerated. For example, the independent media was extremely critical of the Government's reaction to the November 2000 RENAMO demonstrations (see Section 1.c.).

Noticias, Domingo, and Diario de Mocambique largely reflected the views of the individuals in the ruling party, but these media sources also carried significant criticism of government actions, including its handling of the flood-related rescue operations and post-flood distribution of relief goods. During the year, several newspapers published articles that were critical of the Government, including Domingo, a weekly newspaper closely aligned with FRELIMO, which openly criticized FRELIMO's policy positions related to corruption, internal party management, and dialog with RENAMO. Several media publications also criticized the Government's handling of the failure of Banco Austral.

Article 19 and the LDH monitored media coverage of the national electoral campaign. Radio Mozambique generally presented balanced coverage, whereas TVM was biased towards the ruling party. The newspapers Noticias, Diario de Mocambique, and Domingo demonstrated progovernment partisanship. The National Election Commission was criticized for categorizing these newspapers as private sector media, thereby exempting them from the electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign.

In 1999 a media development report released by UNESCO expressed concern about the strong concentration of national and local media in Maputo city and province, mirroring lopsided socio-economic development nationwide. Furthermore a 1997 census revealed that 60 percent of citizens over the age of 15 are illiterate in any language, and 70 percent of the population over 5 years of age do not speak Portuguese, which further limits the reach of the media beyond Maputo.

The Austrian Institute for North-South Development ceased working with the National Union of Journalists (SNJ).

Final debate on recommendations that membership in the CSCS be redefined to eliminate majority control by governmental appointees was deferred for another year. The CSCS was among the several organizations, including a joint operation by the LDH and Article 19, which monitored media fairness during the 1999 presidential and parliamentary elections; however, the CSCS did not issue an evaluation of the elections by year's end, nor is it expected to do so at a future date.

The Prime Minister's ongoing weekly press conferences are important opportunities for journalists to discuss politics and government policies. The Prime Minister's Information Office seeks to facilitate international press access to key government officials and to provide policy guidance on how news media should be regulated. The Prime Minister's Information Office continues to monitor press content informally.

The Government does not limit access to the Internet, and 11 Internet service providers operated during the year.

Academic freedom is respected. Private educational institutions, both church-related and secular, are well-established and continued to expand in several cities. In February classes began at a new Islamic agrarian

sciences college in Nampula, the Mussa bin Bique University.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the law was amended in April to remove restrictions on this right; however, authorities forcibly dispersed at least three demonstrations during the year. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it cover religious gatherings or election campaigning.

In April the National Assembly amended the law on demonstrations. The new law removed restrictions on the times during which marches, parades, and processions are allowed, removed the prohibition on demonstrations likely to offend the honor of the Head of State or other government officials, and removed the right of local authorities to disrupt demonstrations whose objectives they deemed to be different from those initially stated. In addition the new law simplified the approval process for demonstrations. Organizers simply are required to inform the district administrator of the planned demonstration rather than seek approval in advance from police and civil authorities. Local authorities may prohibit a demonstration from taking place only if it is likely to involve the occupation of public or private buildings. The new law prohibited the use of excessive force by the police to control or disrupt demonstrations; however, the Government used excessive force to disperse one demonstration during the year.

On December 5, riot police violently dispersed a demonstration by citizens who formerly worked in East Germany. The demonstrators were protesting the Government's refusal to pay their pensions. Funds for such payment had been deducted from their salaries by the East German government that then provided them to a Mozambican government representative, who then embezzled the money. Two demonstrators, Micas Bila and Antonio Domingos, were hospitalized for their injuries. The police justified their actions on the basis that the demonstrators were violating the law by protesting on a weekday, and that their request for a permit for the demonstration had been denied; however, the law was repealed in July to remove both the time restriction and the requirement for prior authorization. On December 6, the National Assembly discussed the demonstrations and the demonstrators' complaints, and further debate was deferred until the next National Assembly session in March 2002.

The Government continued to defend the actions of police in Aube, Nampula, in 2000, which resulted in the deaths of between six and eight persons, although the LDH investigation disputes the Government's claims. FRELIMO blocked a parliamentary inquiry into the event in 2000 (see Sections 1.a., 1.c., and 1.d.).

The Government continued to defend police actions in breaking up nationwide RENAMO demonstrations in 2000 as legal, stating that RENAMO was violating the time period allowed for such activities, a claim that was supported by several provincial courts. RENAMO continued to argue that it filed for and received necessary permission. No disciplinary action was taken, nor is any likely to be taken, against police accused by LDH of using excessive force in Nampula or Balama, Cabo Delgado. A parliamentary commission investigating the demonstrations concluded its work in September and was expected to release its report during the next National Assembly session that begins in March 2002 (see Sections 1.a., 1.c., 1.d., and 1.e.).

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. Legislation sets forth the process for the registration of political parties. There are 27 registered, active political parties. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and to secure at least 2,000 signatures of citizens to be recognized (see Section 2.c.).

The Government requires nonpolitical groups such as NGO's and religious organizations to register. A government decree regulates the registration and activities of foreign NGO's. NGO's must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGO's whose programs the Government decides complement its priorities. Observers believe that the requirements worsen the already lengthy bureaucratic process that NGO's must follow to work in the country. Although the registration process is not always transparent and can take many months, the authorities rarely reject applications from new associations.

#### c. Freedom of Religion

The Constitution provides that all citizens have the freedom to practice or not to practice a religion and gives religious denominations the right to pursue their religious aims freely; the Government generally respects these rights in practice.

The law requires religious institutions and missionary organizations to register with the Ministry of Justice,

reveal their principal source of funds, and provide the names of at least 500 followers in good standing. No particular benefits or privileges are associated with the registration process, and there were no reports that the Government refused to register any religious groups during the year. The Christian Council reports that not all religious groups register, but unregistered groups worship unhindered by the Government.

The Government routinely grants visas and residence permits to foreign missionaries. Like all foreigners residing in the country, missionaries face a somewhat burdensome process in gaining legal residency; however, they carry out activities without government interference throughout the country.

The Constitution gives religious groups the right to own and acquire assets, and these institutions are allowed by law to own and operate schools. There are increasing numbers of religious schools in operation; for example, in 2000 the Islamic community began construction of a primary and secondary school for 1,000 students in Maputo and has established a small college in Nampula. The Catholic University has educational facilities in Maputo, Beira, Nampula, and Cuamba. Religious instruction in public schools is prohibited strictly.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. The Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, has argued for the right of political parties to base their activities on religious principles. The Government has tolerated PIMO's activities, although it has criticized the group. PIMO and some members of the legislature argued that the Movimento Islamico, a parliamentary caucus of Muslims from the ruling FRELIMO party, was tantamount to a religious party.

Most places of worship nationalized by the Government have been returned to the respective religious organizations; however, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers, and residences unjustly remain in state hands and continued to press for their return. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. Government sources stated that the majority of property was returned, with a few cases still being examined on an individual basis, including two cases in Maputo that remained unresolved by year's end. Provincial governments have the final responsibility for establishing a process for property restoration. The return of church property is problematic when the facility is in use as a public school, health clinic, or police station, because funds for construction of new facilities are in short supply.

In 2000 the mayor of Nacala declared a 13-year-old Islamic preacher from Tanzania, Said Johnson, persona non grata and gave him 24 hours to leave the country following the assembly of large crowds to hear his preaching. Although the boy returned to Tanzania, the Minister of Justice and provincial governor reversed the order. Johnson subsequently visited Maputo in July and spoke before a large rally.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government infringed upon these rights.

Police traffic checkpoints occasionally affected freedom of movement, sometimes for safety or security concerns. In an effort to reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stopped foreign pedestrians and ordered them to present original passports or resident papers, sometimes refused to accept notarized copies, and fined or detained those who failed to show proper documents (most persons do not like to carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and extorted bribes (see Section 1.d.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government offered shelter to approximately 5,000 refugees, the vast majority of whom came from other African countries. There was a reported increase in refugees in the country. Between June and November the number of refugees in the country increased from 3,000 to an estimated 4,500. There were approximately 1,450 refugees in the Bobole camp near Maputo, 1,433 in the northern provincial capital of Nampula, and 200 in Lichinga. The largest percentage of refugees was from the Democratic Republic of the Congo (DRC), Burundi, and Rwanda, and there were small numbers of refugees from Angola, Sudan, Somalia, Ethiopia, Kenya, Zimbabwe, and Uganda. The UNHCR planned to phase out its operations in the country by the end of 2000; however, the increasing number of refugees, especially from the Great Lakes region of Africa, prevented this from happening. In June the Government closed the Masaka refugee center near Boane. The Bobole refugee camp, near Marracuene, was scheduled to be closed in 2002. In June the Government opened a new refugee center near the northern provincial capital of Nampula and planned to transfer refugees residing in Bobole to the new center by year's end; however, by mid-year the new camp already was filled to capacity, which resulted in a delay in transferring refugees from Bobole. During the year,

the Government worked with the UNHCR to expand the capacity of the Bobole camp. The Government also operated a reception center for refugees in Lichinga, Niassa province. Due to the heightened conflict in the DRC, there were additional refugees in Niassa province. Refugee camp conditions meet minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. The UNHCR occasionally makes alternative shelter available to those who feel threatened. The Government offers first asylum and offered it to 207 refugees during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and in 1999 citizens freely exercised their right to vote in the country's second multiparty general elections, which international observers considered to be generally free and fair. The elections were marred by allegations of vote-counting irregularities; however, international observers determined that this did not impact the results. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 assembly seats. The largest opposition group, RENAMO-UE, made a strong showing in the elections, winning 117 seats in the Assembly and 48 percent of the presidential vote. In 2000 the President appointed a new Cabinet, the new National Assembly took its oath of office, and the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

Voter registration commenced in 1999 and continued for 60 days. Despite some minor technical difficulties, including long lines and missing equipment, the registration process ran smoothly. Approximately 85 percent of the eligible voting population registered to vote. The 6-week campaign period was marked by some sporadic violence attributable to both FRELIMO and RENAMO-UE supporters, although at significantly reduced levels compared to the 1994 elections. Leaders of both parties called for an end to the violence.

According to international and domestic observers, the voting process was transparent, peaceful, and orderly with approximately 75 percent of the registered voters participating; however, international and domestic observers complained of a lack of full access to the vote count and the opposition coalition RENAMO-UE charged that there was fraud in the vote-counting process. Due to a large number of illiterate voters, there were a significant number of ballots on which preferences were unclear and which required interpretation by the National Electoral Commission. The Commission also did not count tally sheets from several hundred polling stations at both the provincial or national level due to mathematical errors, omissions, and other problems.

International observers were not given full access to the process of examining the contested ballots and tally sheets, or to the vote counting. RENAMO-UE charged that this affected them disproportionately because tally sheets were discarded from provinces where RENAMO-UE support was strong. RENAMO-UE took this issue and several others to the Supreme Court and in 2000 the Court unanimously rejected RENAMO-UE's complaints; the Court acknowledged that there were some minor irregularities but concluded that these did not change the results of the elections.

The opposition coalition continued to refuse to accept the election results or the Supreme Court's decision; however, the coalition participated in Parliament and worked with FRELIMO on a number of ad hoc and standing committees to draft and approve consensus legislation. Direct dialog between President Chissano and RENAMO leader Dhlakama took place in December 2000, January, and March. In March Dhlakama withdrew from the discussions, citing a lack of progress, and canceled his party's participation in bipartisan working groups on constitutional, judicial, defense, security, economic, civil service, and local government matters as well as the 2000 RENAMO demonstrations.

In 2000 RENAMO members and supporters demonstrated in approximately 60 locations to protest the 1999 elections; 15 of the demonstrations resulted in violent confrontations with the police, causing a number of deaths, injuries, and arrests (see Sections 1.a., 1.c., and 2.b.).

Article 19 and the LDH monitored media coverage of the national electoral campaign. The National Election Commission was criticized for categorizing newspapers in which state-owned enterprises and FRELIMO party members hold majority shares as private sector media, thereby exempting them from the electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign (see Section 2.a.).

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal restrictions hindering women's involvement in government. There are

104 women in the 250-member National Assembly, 3 female Cabinet ministers, and 5 female vice ministers, who also are Cabinet members. FRELIMO's policy mandates that at least 30 percent of the party's two governing bodies must be women. During the year, the Political Commission and Central Committee fulfilled this mandate. Nevertheless cultural factors inhibit women's effectiveness in public life (see Section 5).

Persons representing many ethnic groups participate in the executive, judicial, and legislative branches of the Government. Leadership positions within FRELIMO traditionally have been dominated by the Shangaan ethnic group, while those in RENAMO traditionally have been dominated by the Ndau ethnic group.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no legal obstacles to the formation of domestic human rights groups, although registration procedures for NGO's are onerous and expensive (see Section 2.b.). While the Government does cooperate with NGO's, many NGO's believe that the Government was slow to respond to their requests for information and prison visits (see Section 1.c.). The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis. During the year, the Government did not respond formally to the LDH and DHD reports on the 2000 nationwide demonstrations and Montepuez deaths in custody (see Sections 1.a., 1.c., 1.d., 1.e., and 2.b.).

In 2000 the DHD published a second report on human rights in the country and plans to continue to report regularly on human rights. The report's critical assessment gave particular emphasis to problems in the judiciary, conditions in prisons, freedom of the press, and arbitrary arrest and detention of citizens. Among the complaints were alleged police killings, domestic violence, labor disputes, and land title conflicts. The DHD and the LDH conducted human rights education seminars and workshops during the year for a wide range of audiences including political parties, security agencies, businesses, and NGO's.

In 2000 the Chairwoman of the LDH stated that a police contact warned her of police threats on her life following her appearance in a televised debate in which she made remarks critical of the PIC. The Government did not respond, nor is it likely to respond, to the matter.

International NGO's and human rights groups are permitted to visit and work in the country. In 2000 Amnesty International visited the country in preparation for its annual report.

The Government permits visits by U.N. representatives; however, no human rights-oriented representatives visited the country during the year.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, sex, religion, or disability; however, in practice discrimination against women and persons with disabilities persists.

##### Women

Although official statistics are not kept, according to health officials, women's groups, and other sources, domestic violence against women--particularly spousal rape and beating--is widespread. Many women believe that their spouses have the right to beat them, and cultural pressures discourage women from taking legal action against abusive spouses. There is no law that defines domestic violence as a crime; however, laws prohibiting rape, battery, and assault can be used to prosecute domestic violence. During the year, All Against Violence (TCV), an NGO, registered 699 requests for assistance in cases involving domestic violence, of which 10 were forwarded to the courts. A group of women's NGO's lobbied members of the National Assembly during the year to criminalize domestic violence. In addition the Government worked within the Southern African Development Community (SADC) to increase female participation in legislatures. In 2000 police commanders from the Maputo area held a seminar on domestic violence, where they were instructed to handle such cases as criminal matters. Hospitals usually do not ascribe evidence of physical abuse to domestic violence. The DHD report on human rights conditions released in 2000 gave particular emphasis to the problem of domestic violence (see Section 4).

Local NGO's report that rape is a widespread and serious problem. Sexual harassment is regarded as pervasive in business, government, and education, although no formal data exists. Prostitution is widespread in most cities and towns and especially is prevalent along major transportation corridors and border towns where long-distance truckers stay overnight. There were no reports of sexual tourism occurring in the country.

A group of women's NGO's, including Women in Law and Development, Mozambican Women in Education, Women in Judicial Careers, and the FRELIMO-sponsored Mozambican Women's Organization, support the organization All Against Violence, which serves as a monitoring and educational group for problems of domestic violence and sexual abuse of women and children, including counseling of victims and mediating within families. The organization continued to expand during the year. All NGO's actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a public order problem.

Unlike in the previous year, there were no confirmed cases of women being trafficked from the country during the year. The LDH continued to investigate a case that occurred in 2000 (see Section 6.f.).

Despite constitutional provisions for the equality of men and women in all aspects of political, economic, social, and cultural life, the civil and commercial legal codes contradict one another and the Constitution. Under the law of the Family and Inheritance, the husband or father is the head of household, and both wives and daughters must obtain male approval for all legal undertakings. For example, a woman must have the written approval of her husband, father, or closest male relative in order to start a business. Without such approval, a woman cannot lease property, obtain a loan, or contract for goods and services. The legal domicile of a married woman is her husband's house, and she may work outside the home only with the express consent of her husband. While it appeared that these legal restrictions on women's freedom were not enforced, they left women open to extortion and other pressures.

Family law provides that a married couple's assets belong to the husband, who has full authority to decide on their disposition. When a husband dies, his widow is only fourth in line (after sons, fathers, and brothers) to inherit the household goods. A contradictory provision of the law states that a widow is entitled to one-half of those goods that are acquired during the marriage, but in practice women rarely know of or demand this right.

Customary law varies within the country. In some places, it appears to provide women less protection than family law, and unless a marriage is registered, a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. Women are the primary cultivators of family land in the country. Under customary law, they often have no rights to the disposition of the land. The law specifically permits women to exercise rights over community land held through customary rights. Anecdotal evidence indicates that the land law had only a minimal effect on women's rights; the law appeared to formalize existing practice. However, domestic NGO's such as the Rural Women's Development Association and Rural Mutual Assistance Association have cautioned that a considerable investment of time and education would be necessary before the new rights granted to women would supersede traditional practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constitute slightly more than half the population but are responsible for two-thirds of economic production. Women in the workplace receive lower pay than men for the same work. According to parliamentarians who debated the proposed revision of the law, women are subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violate this right. The Government continued to target maternal and child health problems and focused on immunizations for women of childbearing age and for young children. The estimated maternal mortality rate is 1,500 per 100,000. Numerous development organizations and health-oriented NGO's also emphasize programs to improve women's health and increasingly focus resources to combat the spread of HIV/AIDS and sexually transmitted diseases.

The law permits the entry of women into the military; however, there are few women in the armed forces, and the highest ranking woman in the army is a major. In 2000 the military began to recruit women for the first time since the institution of the compulsory service law, and of the 93 women registered, 20 to 30 were selected to undergo military training. However, due to a lack of facilities to accommodate male and female training, the female recruits did not receive military training by year's end.

#### Children

The Government has made children's rights and welfare a priority, but admits that there are some significant problems. Primary education is free; however, a matriculation fee is charged for each child, which is a significant financial burden for many families, and children are required to purchase books and school supplies. Primary education is compulsory through the fifth year; however, there are few educational facilities, which limits enrollment. A few new primary schools opened during the year throughout the country; however, schools are overcrowded, and there is much corruption in the school system. In addition a number of schools

were destroyed or converted to emergency shelters during the floods in 2000. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school and that girls exchanged or were forced to exchange sex with teachers for passing grades. The 1997 census estimated that some 50 percent of children of ages 6 through 10 are in primary school. Only a fraction of children continue with secondary studies.

Girls continued to have less access to education than boys above the primary level: 42 percent of students in grades 1 through 5 were girls, and 40 percent of students in grades 6 through 10 were girls. The percentage increased to 48.4 percent for grades 11 and 12. However, there are only 105 public secondary schools nationwide, of which only 23 offer classes through grade 12. Approximately 76 percent of females over 15 years of age are illiterate. Outside the main cities where there are fewer secondary schools, and where boarding is required for attendance, the number of female students drops significantly. In a case that gained national attention in 1998, residents of Morrumbene district in Inhambane province demanded the exclusion of girls from the dormitories at the Cambine secondary school. In the absence of separate boarding facilities, local residents blamed schoolgirls for immoral behavior in the community and pressured authorities to comply with the illegal demand, which effectively prevented many girls from attending the school. In 2000 the few out-of-town girls who remained to study were forced to live in unprotected shacks; however, there was no additional information available on the case at year's end.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work. During the year, the Government supplied ASEM with textbooks.

During the year, a large-scale vaccine initiative and a program to manage childhood illnesses were implemented.

NGO's and the Government took some steps to protect and reintegrate into families or other supervised conditions an estimated 3,000 street children in the Maputo metropolitan area. Street children sometimes are beaten by police and frequently are victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification. The mortality rate for infants was 135 per 1,000, and for children under the age of 5 it was 201 per 1,000. The Maputo City Women and Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. The same group offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who have expelled children from their homes, which usually happens when a wife has children who are unacceptable to a new husband.

It was estimated that 50 percent of child deaths in the country resulted from malnutrition or related illnesses.

Social workers have found that some parents of children with disabilities did not permit their children to leave their homes; provincial women and social action officials continued their educational campaign to reverse traditional attitudes toward children with disabilities. Traditional attitudes consider children with disabilities to be a curse or a punishment for actions of the parents; such children often are ignored.

There are numerous reports that children are incarcerated with adults in prisons throughout the country (see Sections 1.c. and 1.e.).

The law does not provide specifically an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, are illegal under the Penal Code. Sexual abuse of a child under 16 also is illegal under the Penal Code. Exploitation of children below the age of 15 continued, and child prostitution remained a problem (see Sections 6.c. and 6.f.). However, authorities in several provinces took steps to combat child prostitution. Child prostitution appears to be most prevalent in Maputo and Beira, and at border towns and overnight stopping points along key transportation routes. There was no evidence that it exists in other rural areas. Child prostitution reportedly is growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers. According to the Child Network, a domestic NGO, some members of the U.N. peacekeeping force that was in the country between 1992 and 1994 may have initiated child prostitution in Manica Province. In addition many child prostitutes have been infected with HIV/AIDS.

In Sofala province, where child prostitution exists along the Beira development corridor (frequented by truck drivers and businessmen), the Government operates information centers in affected areas to provide information to families and friends of children who are raped and exploited, and counsels them on how to deal with the police, public prosecutors, and judges. In order to address child prostitution, the National Assembly



passed a law in 1999 prohibiting the access of minors to bars and clubs; however, the Government does not have adequate resources to enforce the law effectively. In 2000 the Ministry of Women and Coordination of Social Action launched a campaign against the sexual exploitation of children and is working to educate hotels about the problem of child prostitution. The UNDP assisted the Government with training police to aid child prostitutes; however, there is a lack of accommodation centers, and the Government is unable to offer safe shelter to child prostitutes when they have been removed from danger.

There were reports that a small number of children were trafficked to South Africa and Swaziland for prostitution. The LDH continued to investigate a 2000 case involving a 17-year-old girl; however, there were no confirmed cases during the year (see Section 6.f.).

In 1999 during an Africa-wide conference on child soldiers that was held in Maputo, the NGO Restore Hope was successful in obtaining a promise from the Ministry of National Defense that former child soldiers would not be conscripted.

There were reports that children in rural areas were used to settle financial and other disputes (see Sections 6.c. and 6.f.). Families delegated the children to work for limited periods of time to settle debts.

#### Persons with Disabilities

The Constitution states that "disabled citizens shall enjoy fully the rights" that it provides for; however, the Government provided few resources to implement this provision. Representatives of disabled groups and injured veterans frequently protested that societal discrimination continues against persons with disabilities. War veterans with disabilities are among the most politically organized citizens with disabilities. Approximately 1.9 percent of citizens have physical or mental disabilities.

The Government only provides four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. There are few job opportunities for persons with disabilities in the formal sector, although the 1997 census reported that 55 percent of such persons worked or held a job.

Social workers found that some parents of children with disabilities in several districts, including the towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial Ministry of Women and Coordination of Social Action officials continued their educational campaign to reverse traditional attitudes toward children with disabilities. During the year, the Government provided scholarships for 615 children with disabilities in education facilities.

The Government continued to rely on NGO's to assist persons with disabilities. The Association of Disabled Mozambicans (ADEMO) addresses social and economic needs of persons with disabilities. ADEMO's effectiveness during the year was hindered by internal conflicts. Smaller NGO's also have formed, including the Association of Handicapped Military and Paramilitary Mozambicans, the Association of Blind and Visually Impaired Mozambicans (ACDVM), the Association of Mozambican Disabled Soldiers (ADEMIMO), the Association of Deaf Mozambicans (ASUMO), the Association of Demobilized War Veterans (AMODEC), and the Association of Disabled Divorced Women (AMODD). In 2000 ADEMO held a conference to address the rights of persons with disabilities.

Concerns of persons with disabilities include access to socioeconomic opportunities and employment, accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for persons with disabilities were in the electoral law governing the country's first multiparty elections, which addressed the needs of voters with disabilities in the polling booths. Special access facilities are rare. In 1999 the Cabinet issued a resolution that approved the first national policy on persons with disabilities and laid out principles and strategies aimed at encouraging their active participation in the country's socio-economic development; the plan would address concerns of persons with disabilities, including access to public buildings and government infrastructure. However, the plan had not been implemented by year's end due to funding constraints.

#### Religious Minorities

Relations among communities of different faiths generally are amicable, especially at the grassroots level. The black and South Asian Islamic communities tend to remain separate; however, there were no reports of conflict.

Civil society and the media highlighted aspects of the draft Family Law legislation early in 2000. Debate focused on the need for legal recognition of religious and common law marriages, as only civil marriages are

legal at present. Under the proposed law, polygynous marriages would not be recognized, although the law would offer protection to the widows and children of polygynous unions. Several leaders within the Islamic community oppose the proposal for not recognizing polygyny. On the other hand, approximately 50 Muslim women staged a public protest against polygamy in 2000. There also was debate between some Islamic groups and several Christian groups over a section of the law that would raise the legal age of marriage.

After several decades of unsuccessful attempts to gain a building permit, the Islamic community began constructing the Grand Mosque in downtown Maputo during the year. Previously the Government had refused to grant permission for mosques to be built in the center of major cities.

#### National/Racial/Ethnic Minorities

There was no systematic mistreatment or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints against the Government that it favored economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns; the central and northern provinces have been included in the Government's 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program. In addition the President, Prime Minister, and Cabinet members continued to spend a significant amount of time in the provinces during the year. The executive, judicial, and legislative branches include officials from central and northern parts of the country in senior positions.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoy these rights in practice. For example, a civil service union was established and registered legally during the year. Labor relations are governed by the revised Labor Law. Trade unions remained concerned that large-scale layoffs due to privatization and free trade zones created under the revised law would result in less favorable labor rights, due to government incentives offered to foreign investors. The percentage of workers belonging to labor unions was very small; it was estimated to be less than 1 percent. The majority of union members are in the larger cities where industries are located.

There are two trade union federations in the country: The Organization of Mozambican Workers (OTM), which formerly was affiliated with the FRELIMO party, and the Confederation of Free and Independent Unions of Mozambique (CONSILMO), which was formed by three unions that broke away from the OTM. CONSILMO is permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and Government. CONSILMO maintained a working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union, an early promoter of the rights of female workers. In August civil servants formed a new union, the Public Servants Union (SFP), which has gained recognition by the Ministry of Justice.

The OTM has declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibit persons holding high ranks within any political party from simultaneously holding top positions in the trade union; however, other labor unions maintain that the OTM is not independent of FRELIMO.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). The law specifies that strikers must notify police, government, union, and employers 48 hours in advance of intended strikes.

In October two-thirds of the operators and maintenance workers at the MOZAL aluminum plant in Matola engaged in a walk-out, seeking to reopen negotiations for wages and benefits for their contract. After 3 weeks, the majority of workers returned to work, although 40 were fired, and disciplinary actions were applied to those who left work without permission. In August approximately 300 members of the Port and Railways Workers' Union (STPCF) engaged in a strike to gain a higher minimum wage, payment for actual hours worked, medical benefits, and paid leave. Following 2 weeks of sporadic negotiations, the strike, which was marred by incidents of vandalism and threats of dismissal, ended and workers returned to work without their demands being met.

In 2000 the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers' organizations (see Sections 6.b. and 6.e.). After negotiations came to a standstill, the Council of Ministers implemented a minimum wage increase of 26 percent in 2000 and agreed to an additional 4 percent increase, which was implemented in May as part of another 17 percent minimum wage increase.

Provisions of the Labor Law forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally are arbitrated through special workers' committees, formally recognized by the Government.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM is a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

#### b. The Right to Organize and Bargain Collectively

The law protects the right of workers to organize and engage in collective bargaining. It expressly prohibits discrimination against organized labor. The Government does not set private sector salaries; existing unions are responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. In 2000 the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers organizations (see Section 6.a.).

The law provides for the creation of export processing zones (EPZ's), and the Government is authorized to confer EPZ benefits to any export-oriented company that meets the criteria. In 2000 MOZAL became the first firm to produce goods in an EPZ. There was an EPZ in Maputo and one in Beira. Workers in EPZ's are subject to the same labor regulations as other workers, and worker rights are respected in practice.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; there were no reports of such practices in the formal economy, and unlike in the previous year, there were no confirmed cases of women being trafficked to South Africa for prostitution and forced labor (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, children in rural areas were used as labor to settle financial and other disputes, with their families delegating the children to work for limited periods of time to settle economic debts (see Sections 5 and 6.d.). The LDH continued to investigate a 2000 case involving the trafficking of a 17-year-old girl (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

Child labor remains a problem in the country, especially in rural areas where children sometimes work alongside their parents or independently in seasonal harvests or commercial plantations. Employers normally pay children on a piecework basis for such work, which principally involves picking cotton or tea leaves.

Child labor is regulated by the labor law. In the wage economy, the working age without restrictions is 18 years. The labor law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Ministry of Labor regulates child labor in both the informal and formal sectors.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children are employed in regular wage positions; however, children, including those under the age of 15, commonly work on family farms or in the urban informal sector, where they perform such tasks as "guarding" cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. Regulations on the informal labor sector are not enforced. Children also are employed in domestic positions and the number appeared to be rising. In a 1999 newspaper survey, labor union representatives noted the growing presence of children in

construction jobs. Child prostitution also appears to be growing, especially in the Maputo, Beira, and Nacala development corridors, which have highly mobile populations and a large number of transport workers. Child prostitution also appears to be growing in towns at major border crossings and at overnight stopping points on key transportation routes (see Section 5).

Children orphaned by HIV/AIDS often are forced to work because they are left without any adult family members or with only extended family members who are unable to support them.

Violations of child labor provisions are punishable with fines. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labor may be punished by prison sentences and fines. Labor inspectors are authorized to obtain court orders and use police to enforce compliance with child labor provisions.

Enforcement remedies generally are adequate in the formal sectors but remain inadequate in the regulation of informal child labor. The Labor Inspectorate and police force lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government has provided training for police on child prostitution and abuse (including pornography); however, there is no specialized child labor training for the Labor Inspectorate. The Government has disseminated information and provided education about the dangers of child labor.

In 1999 the Government signed ILO Convention 182 on the worst forms of child labor; however, the Government had not ratified it by year's end. On July 25 and 26, the Ministry of Labor and UNICEF jointly held a conference on child labor and designed an action plan to address the worst forms of child labor through prevention, protection, and rehabilitation; however, no significant actions were taken on the action plan by year's end.

The law prohibits forced and bonded labor by children; however, children in rural areas were used as labor to settle financial and other disputes, with families delegating their children to work limited periods of time to settle economic debts (see Sections 5 and 6.c.).

#### e. Acceptable Conditions of Work

The industrial minimum wage of approximately \$30 (447,741 meticaïs) per month is set by ministerial decree, although the level is recommended through an administrative process that consists of a tripartite commission composed of labor unions, government representatives, and employer groups. There also is an agricultural minimum wage of approximately \$20 (459,270 meticaïs) per month, which is established through the same tripartite process. Neither minimum wage is considered sufficient to provide a decent standard of living for an average worker and family, and many workers must turn to a second job, if available, maintain their own gardens, or depend on the income of other family members to survive. Only a small percentage of laborers work at the minimum wage level. Less than 10 percent of workers are in salaried positions, and the majority of the labor force is employed in small-scale farming and the informal sector. Although the industrial sector frequently pays above minimum wage, there is little industry outside of the Maputo area. In May the Government increased both minimum wages by 17 percent following tripartite negotiations between the Government, employers, and labor unions. This included the remaining 4 percent promised in 2000 to complete that year's 30 percent minimum wage increase, which was promised following threats of a general strike by OTM and other unions.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually are investigated only after workers register a complaint. It is customary for workers to receive benefits such as transportation and food in addition to wages. There is an obligation for workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Security to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts grew. During the year, many workers were unable to claim unemployment benefits. Workers who previously had labored in East Germany have requested sums that were set aside from their wages to serve as pensions at a later date. The German Government provided these funds to a civil servant who was accused of embezzling the money. The Government claimed that it could not reimburse the workers. In August and September, hundreds of persons who had worked in East Germany held demonstrations in front of the Ministry of Labor (see Section 2.b.). In December they protested in front of the National Assembly building; police violently dispersed demonstrators, injuring two persons (see Section 2.b.). The Council of Ministers instructed the Ministries of Planning and Finance and of Labor to continue a dialog with the workers regarding the reimbursement problem. The National Assembly briefly debated this matter on December 6 and is scheduled to reconvene discussion on the issue during its next session that begins in March 2002.

The standard legal workweek is 44 hours, with a weekly 24-hour rest period.

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforces these laws ineffectively, and the Government only occasionally has closed firms for noncompliance. The Labor Ministry estimated that there were more than 500 industrial accidents during the year, with between 20 and 30 deaths. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. There continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment, although this right was restricted in practice by threats of dismissal and peer pressure. Although foreign workers are protected under this law, they also are constrained in exercising this right in practice for the same reasons.

#### f. Trafficking in Persons

There are no specific laws that prohibit trafficking in persons, although trafficking can be addressed under labor, immigration, and child welfare laws; the country does not have a significant problem with trafficking in persons, but it may be a country of origin for a small number of trafficked persons.

Many citizens working illegally in South Africa and Swaziland are subject to abuses there. There were unconfirmed reports of trafficking during the year. Children's advocates reported that there are indications that a small number of children are trafficked to South Africa and Swaziland for prostitution; however, there were no confirmed cases during the year.

In previous years, there were reports that women were lured into South Africa by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into South Africa.

The LDH continued to investigate a case of a 17-year-old girl kidnaped by her neighbors in late 2000 and taken to South Africa for unknown purposes. She was held for 2 months in the Johannesburg area, and may have been abused sexually. The girl was recovered by the police, and the perpetrators were in detention awaiting trial at year's end.

The LDH has not released results from its investigation into the report of two women who were trafficked from Manica to a brothel in South Africa in 2000.

The Government has not devoted resources to combat trafficking, and there is no specific protection offered by either the Government or NGO's for trafficking victims. The Government did not take any specific actions to combat trafficking during the year.